

Exhibit 14

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

-----: :
: :
BMG RIGHTS MANAGEMENT (US) LLC, :
et al., :
Plaintiffs, :
vs. : Case No. 1:14-cv-1611
: :
: :
COX ENTERPRISES, INC., et al., :
Defendants. :
-----:

VOLUME 1 (p.m. portion)

TRIAL TRANSCRIPT

December 2, 2015

Before: Liam O'Grady, USDC Judge

And a Jury

1 tables that are created with the data that's collected. These
2 notices say, here's what that evidence is. That is hearsay.
3 The notice itself is not proof of what the notice talks about.
4 Your Honor already ruled that.

5 So all we're asking for -- and this is what Rule 105
6 says -- is if they're going to wave the notices around, which
7 they've already been doing, and they said in their opening the
8 DMCA is shorthand for infringement. They've already had their
9 expert on the stand referring to infringements, which she
10 shouldn't be doing. Those are legal conclusions. If they're
11 going to use them in that way, we're entitled to an instruction
12 under Rule 105 that says the notice itself isn't evidence of
13 anything. It's not proof of an infringement. If they want to
14 go and prove that up, they should do that.

15 THE COURT: Well, they certainly are relevant in
16 their totality to the decision a jury will be making, and they
17 should come in in their complete form so the jury understands
18 what the Rightscorp system does. And at the end of her
19 testimony, she -- well, in her direct she clearly is going to
20 testify that the system works and is accurate, and as a result
21 her opinion is, as she's already given, that these copyrighted
22 materials were all downloaded through the Cox system and are
23 infringing.

24 MR. BUCKLEY: Your Honor, she shouldn't be able to
25 say that. She can talk about facts. She can talk about what